IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Appeal No. 1209-SB of 1999
Date of Decision: September 09, 2010

Kumari Daljit Kaur .....Appellant

Versus

State of Punjab .....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.J.B.S.Gill,Advocate for the appellant.
Mr.Amandeep Singh Rai, Assistant Advocate General Punjab

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Sabina, J.

Accused -Daljit Kaur, appellant was convicted for an offence under Sections 363,366-A of the Indian Penal Code (for short `IPC') vide judgment dated 11.12.1999 passed by the Sessions Judge,Hoshiarpur. Vide order of even date, appellant-Daljit Kaur was ordered to undergo rigorous imprisonment for a period of three years and a fine of Rs.1000/- under Section 363 IPC and she was further ordered to undergo rigorous imprisonment for a period of five years and a fine of Rs.1500/- under Section 366-A IPC. Hence, the present appeal by the accused-appellant.

Prosecution case, as noticed by the trial Court in para No. 2

of its judgment, is reproduced herein below:-

> "2. The prosecution case, in short, is that Mohinder Singh son of Ishar Ram resident of Masit Palkot PS Tanda stated that he is resident of village Masit Pal Kot and is a labourer. He has three children and his eldest daughter, namely, Amarjit Kaur is aged about 18/19 years and his son, namely, Inder Singh is aged about 17/18 years and his youngest daughter namely Amanprit Kaur is aged 16 years and she is a student of 8th class studying in Govt. Middle School Masitpal Kot. He has further stated that on 8.5.1998 at about 4 P.M. Daljit Kaur alias Kaki d/o Tusli Ram came to their house and told that she had to go to Tanda for making some purchases. Believing her he sent his daughter Amandprit Kaur alongwith Daljit Kaur. He further stated that when his daughter Amanprit Kaur did not return back home in the evening he went to the house of Daljit Kaur to enquire about Amanprit Kaur but Daljit Kaur was not present in her house. He has further stated that later on he came to know that Jaswinder Singh son of Makhan Singh r/o Garhi Bakhsh PS Bhogpur Distt. Jalandhar had abducted his daughter Amanprit Kaur in connivance with Daljit Kaur alias Kaki by giving some allurement to Amanprit Kaur. Complainant Mohinder Singh along with Inder Singh his son and Jasbir Singh son of Harwant Singh tried to locate his daughter by enquiring from his relatives and relatives of Daljit Kaur. Mohinder Singh complainant stated that inspite of his efforts, he could not find out his daughter and he was confident that his daughter Amarjit Kaur had been abducted by

Daljit Kaur alias Kaki and Jaswinder Singh by giving her some allurement with bad intention. On the basis of this statement FIR under Sections 363/366/34 IPC was recorded and during investigation Gurbux Singh resident of Masitpal Kot stated that he had seen Daljit Kaur alias Kaki, Amanpreet Kaur and Jaswinder Singh together in Tanda. After the investigation of the case, challan against Daljit Kaur and Surjit Kaur was presented in the court."

Learned counsel for the appellant, during the course of arguments, has not challenged the conviction of the appellant under Sections 363,366-A IPC . Learned counsel has submitted that the appellant was a young girl aged about 24 years at the time of the alleged occurrence. Now the appellant has got married. The prosecutrix has also got married and is residing in her matrimonial home. The case of the appellant was that the prosecutrix was having love affairs with Jaswinder Singh, Proclaimed Offender. Learned counsel has submitted that the sentence qua imprisonment of the appellant be reduced to already undergone by him.

Keeping in view the facts and circumstances of the case, it would be just and expedient to reduce the sentence qua imprisonment of the appellant to already undergone by her .

Hence, the conviction of the appellant under Sections 363, 366-A IPC is maintained. However, the sentence qua the imprisonment of the appellant is reduced to already undergone by her. Fine, as imposed by the trial Court, if not already deposited, be deposited by the appellant within two months from today failing which the appeal shall stand dismissed.

Appeal stands disposed of accordingly.

(Sabina)
Judge

September 09, 2010
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